* IN THE HIGH COURT OF DELHI AT NEW DELHI

\+ **Crl. M.C. No. 6917-21/2006**

% Date of Decision: 7th December, 2007

\# **Manoj Kataria & Ors.** .....Petitioners

! Through Mr. V.K. Bharti, Advocate

versus

$ **State & Anr.** ....Respondents

^ Through Mr. M.N. Dudeja, APP for the State.

CORAM:

* **HON'BLE MR. JUSTICE P.K.BHASIN**

1. Whether Reporters of local papers may be allowed to see the Judgment?(No)
2. To be referred to the Reporter or not?(No)
3. Whether the judgment should be reported in the digest?(No)

JUDGMENT

P.K.BHASIN, J:

The petitioners have filed this petition under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of 370/06 registered against

petitioners no. 1-4 at the instance of petitioner no.5 and FIR no. 371/06 registered against petitioner no. 5 at the instance of petitioner no. 1 for the offences under Sections 506/34 of Indian Penal Code ('I.P.C.' in short) and Section 27 of the Arms Act, 1959 registered at Police Station Vasant Vihar on 02.08.2006.

2. Briefly stated, facts of the case are that the two cross cases were registered in respect of an incident which took place on 02.08.2006 for the offences under Section 506 I.P.C. and Section 27 of the Arms Act. In that incident, however, no shooting was resorted to by any of the parties.

3. During the pendency of the investigation, both the parties with the intervention of their well wishers resolved their disputes and arrived at an amicable settlement and in view of the compromise, this petition was filed for quashing of the above- referred two FIRs.

4. Since the offences for which the petitioners were booked were not compoundable as per the provisions of Section 320 Cr.P.C this petition under Section 482 Cr.P.C. was filed by them. Notice of the petition was given to the State. All the petitioners appeared in person also along with their counsel on 27-9-2007 before this Court and affirmed that the matter had been amicably resolved and so they were no more interested in pursuing their complaints against each other.

5. Learned APP for the State, however, opposed quashing of the FIRs on the ground that that allegations against the petitioners are grave in nature.

6. It is now well settled that FIRs even in respect of those offences which are not compoundable under section 320 Cr.P.C. can be quashed as also the criminal proceedings emanating therefrom if it is felt by the Court while dealing with a quashing petition under section 482 Cr.P.C. that it would secure the ends of justice if the FIR and criminal proceedings arising therefrom are quashed and continuation of the criminal proceedings would amount to abuse of the process of law.

7. So, in view of the settlement between the two sides in the present case it would secure the ends of justice if the two FIRs are quashed and thus, I am inclined to allow this petition. Consequently FIRs no. 370/06 and 371/06 and Section 27 of the Arms Act, 1959 registered at Police Station Vasant Vihar on 02.08.2006 are hereby quashed.

P.K. BHASIN,J

December 7, 2007
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